

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-15 and 21-35 are in the application. Claims 1, 12, 21 and 31 have been amended.

At the onset, the undersigned would like to thank the Examiner for courtesies extended during a telephone interview conducted on March 28, 2007. The substance of the interview is set forth below.

In the Official Action, the Examiner rejected claims 1-15 and 21-35 under 35 U.S.C. §103(a) as being allegedly unpatentable over Cameron (U.S. Patent No. 5,342,320).

Cameron is directed to a hypodermic syringe having a movable shield. The Examiner focused on the embodiment of Figs. 8-11 in formulating the rejection. With reference to Figs. 8-11 of Cameron, a syringe barrel, referred to as sleeve 18, is non-movably disposed within a housing 24. The housing 24 is rigidly fixed to the sleeve 18 by radially extending struts 32, 34, as shown in Fig. 1. (Col. 5, ll. 13-19; col. 8, ll. 28-33), thus preventing movement of the sleeve 18 (i.e., syringe barrel) with respect to the housing 24. Clamshell halves 46, 48, which form the needle shield, are disposed between the sleeve 18 and the housing 24. (Fig. 8). A spring 106 is also disposed between the sleeve 18 and the housing 24 which acts against thrust ring 104

formed above the clamshell halves 46, 48. (Col. 8, ll. 43-47). Leading edges 68, 70 of the clamshell halves 46, 48 are retained in an initial state, as shown in Fig. 8, by retaining shoulder 102. (Col. 8, ll. 34-42). The retention of the leading edges 68, 70 on the retaining shoulder 102 hold the clamshell halves 46, 48 against the bias of the spring 106. Plunger 12, which is formed to slide within the sleeve 18, includes outer actuating rods 110, 112 formed to be on the outside of the sleeve 18. (Col. 8, ll. 60-65). First and second stops 120, 122 are formed on the actuating rods 110, 112. (Col. 8, ll. 65-67).

To achieve actuation of the shield, plunger 12 is depressed as during a normal injection. At the same time, the actuating rods 110, 112 move downward along the external portion of the sleeve 18. With sufficient movement of the plunger 12, the stop members 120, 122 act against flange 40, as shown in Fig. 8. (Col. 8, ll. 67-col. 9, l. 7). Further downward movement of the plunger 12 causes the stop members 120, 122 to be forced past the flange 40, as shown in Fig. 9. (Col. 9, ll. 8-11). Simultaneously, lower ends 115, 116 of the actuating rods 110, 112 press against the leading edge portions 68, 70 of the clamshell halves 46, 48, thereby causing the leading edges 68, 70 to be released from the retaining shoulder 102. (Col. 9, ll. 15-26). Once released, the spring 106 forces the clamshell halves 46, 48 forwardly to a shielded position, as shown in Fig. 10. (Col. 9, ll. 27-36). At no time does the sleeve 18 move relative to the housing 24. Only the plunger 12 moves relative to the sleeve 18 and relative to the housing 24.

Claims 1, 12, 21 and 31 are the pending independent claims for the application. All four of the independent claims have been amended to clearly indicate that axial movement of the barrel relative to the holder causes axial movement of the shield relative to the holder. In particular, claim 1 states “sufficient axial movement of said barrel relative to said holder causes axial movement of said shield relative to said holder”; claim 12 states “axial movement of said barrel of said syringe relative to said holder causes axial movement of said shield”; claim 21 states “sufficient axial movement of the barrel relative to said holder causes axial movement of said shield relative to said holder”; and, claim 31 states “axial movement of the barrel of the syringe relative to said holder causes axial movement of said shield”. The sleeve 18 (i.e., barrel) in Cameron is fixed with respect to the housing, and consequently cannot move relative to the housing. There is no axial movement of the sleeve 18 (i.e., barrel) in Cameron to cause axial movement of the clamshell halves 46, 48, as required by the claims of the present application. Rather, Cameron teaches that axial movement of the plunger 12 causes axial movement of the clamshell halves 46, 48. Moreover, there is no disclosure or suggestion to have the sleeve 18 (i.e., barrel) move relative to the housing 24 in Cameron. In fact, Cameron teaches away from Applicants’ claimed invention, as the sleeve 18 and the housing 24 in Cameron are non-moveably connected together. Again, in Cameron, it is axial movement of the plunger 12 which causes axial movement of the clamshell halves 46, 48. With the sleeve 18 being fixed rigidly to the housing 24 in Cameron, there is no disclosure or suggestion to have relative movement therebetween. Cameron clearly relies on the movement of the plunger 12, not the sleeve 18 for

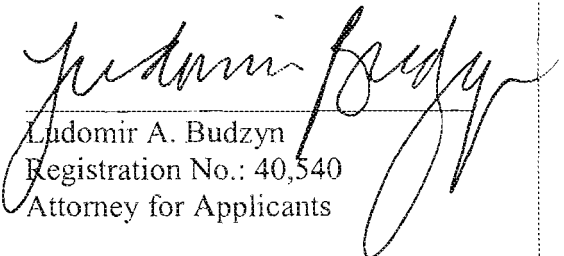
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actuation. It is respectfully submitted that claims 1, 12, 21 and 31, along with dependent claims 2-11, 13-15, 22-30 and 32-35 are patentable over Cameron.

The Examiner also provisionally rejected claims 1-15 and 21-35 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-10 of co-pending Application No. 10/737,627. Applicants at this time refrain from addressing this rejection. This rejection will be moot if this case is first allowed.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,


Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700